

ESTTA Tracking number: **ESTTA733894**

Filing date: **03/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Central Jade Holdings Inc.
Granted to Date of previous extension	03/16/2016
Address	307 - 4940 No. 3 Road Richmond, BC V6X3A5 CANADA
Attorney information	Anthony E. Rufo, Esq. Foley Hoag LLP 155 Seaport Boulevard Boston, MA 02210 UNITED STATES arufo@foleyhoag.com, USTrademark@foleyhoag.com, JBurns@FoleyHoag.com

Applicant Information

Application No	86638917	Publication date	11/17/2015
Opposition Filing Date	03/16/2016	Opposition Period Ends	03/16/2016
Applicant	Gongwell Services Incorporated B201, 209 Lougheed Highway British Columbia, V3B1A8 CANADA		

Goods/Services Affected by Opposition


Class 010. First Use: 2015/02/15 First Use In Commerce: 2015/02/15
All goods and services in the class are opposed, namely: Female health care massage products with egg shape, ball shape and wand shape, namely, yoni eggs, Ben Wa balls, massagewands made of stones, namely, gemstones, precious stones, and semi-precious stones, namely, nephrite, jadeite, obsidian, serpentine, onyx, quartz, agate, chrysophase, californite, feldspar, jasper, amazonite, and aventurine


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2623365	Application Date	10/19/2000
Registration Date	09/24/2002	Foreign Priority Date	NONE

Word Mark	POLAR JADE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 1995/06/00 First Use In Commerce: 1995/06/00 JEWELRY; SCULPTURES MADE OF GEMSTONE

U.S. Registration No.	4861852	Application Date	07/03/2014
Registration Date	12/01/2015	Foreign Priority Date	NONE
Word Mark	POLAR JADE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2011/10/00 First Use In Commerce: 2011/10/00 Rough jade (jade rock) for use in jewellery and sculptures made of jade		

Attachments	76151687#TMSN.png(bytes) 86328669#TMSN.png(bytes) Notice of Opposition.pdf(515389 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Anthony E. Rufo/
Name	Anthony E. Rufo, Esq.
Date	03/16/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Central Jade Holdings Inc.,

Opposer,

v.

Gongwell Services Incorporated,

Applicant.

Trademark: POLAR JADE

Application No.: 86/638,917

NOTICE OF OPPOSITION

Central Jade Holdings Inc., a Canada corporation having a place of business at 307 - 4940 No. 3 Road, Richmond, British Columbia, Canada, V6X 3A5 (“Opposer”), believes that it is and/or will be damaged by registration on the Principal Register of the mark POLAR JADE, subject to Application No. 86/638,917 and hereby opposes same.

The grounds for this opposition are as follows:

1. Opposer, a Canadian corporation, provides jewelry and sculptural items, including but not limited to carvings and figurines, made from nephrite jade as well as rough nephrite jade for use in making jewelry and sculptural items in connection with the trademark POLAR JADE.
2. Opposer has been using the POLAR JADE trademark in U.S. commerce since at least 2011 in connection with jade jewelry and rough jade.
3. Opposer is the owner of the following valid United States Principal Register trademark registrations for POLAR JADE:

Registered Mark	Registration No.	Date of Registration	Identification of Goods and Services
POLAR JADE	2,623,365	9/24/2002	Jewelry; sculptures made of gemstone
POLAR JADE	4,861,852	12/1/2015	Rough jade (jade rock) for use in jewellery and sculptures made of jade

4. Printouts of the U.S. Patent and Trademark Office’s TSDR and Assignment databases in connection with the above-referenced registrations are attached hereto as Exhibit A pursuant to Trademark Rule 2.122(d); 37 CFR § 2.122(d), and the registrations are placed in evidence.

5. U.S. Trademark Registration No. 2,623,365 referenced in Paragraph No. 3 above has achieved incontestable status within the meaning of Section 15 of the Lanham Act (15 U.S.C. § 1065).

6. Opposer’s predecessor-in-interest to the POLAR JADE mark and U.S. Trademark Registration No. 2,623,365 began using the POLAR JADE mark in commerce in connection with jade jewelry and sculpture at least as early as 1995.

7. The POLAR JADE mark is distinctive.

8. Upon information and belief, Gongwell Services Incorporated (“Applicant”) is a Canadian company that markets and sells distinctly shaped objects out of gemstones, including nephrite jade.

9. On or around May 22, 2015, Applicant filed an application to register POLAR JADE in International Class 010, Serial No. 86/638,917, in connection with “Female health care massage products with egg shape, ball shape and wand shape, namely, yoni eggs, Ben Wa balls, massage wands made of stones, namely, gemstones, precious stones, and semi-precious stones, namely, nephrite, jadeite, obsidian, serpentine, onyx, quartz, agate, chrysophase, californite,

feldspar, jasper, amazonite, and aventurine.”

10. Opposer’s POLAR JADE mark and the mark subject to Applicant’s Application Serial No. 86/638,917 (POLAR JADE) are identical.

11. The goods set forth in Applicant’s Application Serial No. 86/638,917 are the same or substantially similar to the goods offered by Opposer in connection with the POLAR JADE mark as well as the goods identified in the registrations subject to the POLAR JADE mark, which are listed *supra* in paragraph 3.

12. Applicant’s registration of the mark POLAR JADE for the goods identified in Application Serial No. 86/638,917 is likely to cause confusion, mistake, or deception as to the source of Applicant’s goods, all to Opposer’s damage and detriment. Furthermore, customers or potential customers are likely to believe that Applicant’s goods are sponsored, approved by, or affiliated with Opposer when that is not the case. Any dissatisfaction with Applicant’s goods is likely to reflect upon and damage the goodwill and reputation embodied in Opposer’s POLAR JADE mark.

WHEREFORE, Opposer requests that registration of the mark sought to be registered herein (POLAR JADE, Application Serial No. 86/638,917 in Class 010), be denied and that this opposition be sustained. The \$300 statutory fee for this Notice of Opposition has been submitted herewith.

Respectfully submitted,

Central Jade Holdings Inc.

/Anthony E. Rufo/

Julia Huston

Anthony E. Rufo

Foley Hoag LLP

155 Seaport Boulevard

Boston, MA 02210

(617) 832-1000

Dated: March 16, 2016

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Notice of Opposition was served via overnight courier upon Applicant's Counsel of Record on March 16, 2016 as follows:

Cheryl S. Scotney
Hasse & Nesbitt LLC
Suite C
8837 Chapel Square Drive
Cincinnati, Ohio 45249
css@hn-iplaw.com

/Anthony E. Rufo/

Anthony E. Rufo

Exhibit A

With respect to a very small number of TSDR documents, the PDF download feature has been temporary suspended. We expect this feature to be fully available again in mid-late March. Documents may still be downloaded from the Trademark Documents list in TSDR by selecting (checking) the document(s) you would like to download, clicking the "Download" button, and selecting "Original" as the file type. The selected documents will be delivered to your computer in their original format in a zip file.

STATUS	DOCUMENTS	MAINTENANCE	Back to Search	Print
Generated on: This page was generated by TSDR on 2016-03-16 15:10:27 EDT				
Mark: POLAR JADE POLAR JADE				
US Serial Number: 76151687		Application Filing Date: Oct. 19, 2000		
US Registration Number: 2623365		Registration Date: Sep. 24, 2002		
Register: Principal				
Mark Type: Trademark				
Status: The registration has been renewed.				
Status Date: Mar. 24, 2012				
Publication Date: Jul. 02, 2002				
▼ Mark Information ▲ Collapse All				
Mark Literal Elements: POLAR JADE				
Standard Character Claim: No				
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)				
Disclaimer: "JADE"				
▼ Goods and Services				
Note:				
The following symbols indicate that the registrant/owner has amended the goods/services:				
<ul style="list-style-type: none"> • Brackets [...] indicate deleted goods/services; • Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *...* identify additional (new) wording in the goods/services. 				
For: JEWELRY; SCULPTURES MADE OF GEMSTONE				
International Class(es): 014 - Primary Class		U.S Class(es): 002, 027, 028, 050		
Class Status: ACTIVE				
Basis: 1(a)				
First Use: Jun. 1995		Use in Commerce: Jun. 1995		
▼ Basis Information (Case Level)				
Filed Use: Yes		Currently Use: Yes		Amended Use: No
Filed ITU: No		Currently ITU: No		Amended ITU: No
Filed 44D: No		Currently 44D: No		Amended 44D: No
Filed 44E: No		Currently 44E: No		Amended 44E: No
Filed 66A: No		Currently 66A: No		
Filed No Basis: No		Currently No Basis: No		
▼ Current Owner(s) Information				
Owner Name: CENTRAL JADE HOLDINGS INC.				

Owner Address:	3282 West 34th Avenue Vancouver, BC CANADA V6N2K4	
Legal Entity Type:	CORPORATION	State or Country Where Organized: BRITISH COLUMBIA

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kirsten Severson

Correspondent

Correspondent Name/Address: Kirsten Severson
KLS Trademark Services
PO Box 19126 4th Avenue Post
Vancouver, BC CANADA V6K4R8

Phone: 604-715-6398

Correspondent e-mail: kseverson@shaw.ca

Correspondent e-mail Authorized: No

Domestic Representative - Not Found

▼ Prosecution History

Date	Description	Proceeding Number
Mar. 20, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 20, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 13, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 20, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 20, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 24, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 24, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70619
Mar. 24, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	70619
Mar. 24, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70619
Feb. 28, 2012	TEAS SECTION 8 & 9 RECEIVED	
Feb. 28, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 28, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 10, 2008	UNDELIVERABLE MAIL - NO ACTION TAKEN	99888
Aug. 18, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	65765
Aug. 13, 2008	ASSIGNED TO PARALEGAL	65765
Aug. 06, 2008	TEAS SECTION 8 & 15 RECEIVED	
Dec. 12, 2007	CASE FILE IN TICRS	
Sep. 24, 2002	REGISTERED-PRINCIPAL REGISTER	
Jul. 02, 2002	PUBLISHED FOR OPPOSITION	
Jun. 12, 2002	NOTICE OF PUBLICATION	
Feb. 25, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 22, 2002	EXAMINERS AMENDMENT MAILED	
Oct. 09, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 06, 2001	NON-FINAL ACTION MAILED	
Apr. 03, 2001	ASSIGNED TO EXAMINER	77765

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use:	Section 8 - Accepted
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Affidavit of Incontestability:	Section 15 - Accepted
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Renewal Date:	Sep. 24, 2012
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▼ **TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location:	GENERIC WEB UPDATE
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Date in Location:	Mar. 24, 2012
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▼ **Assignment Abstract Of Title Information - Click to Load**

▼ **Proceedings - Click to Load**

[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [76151687](#)**Filing Dt:** 10/19/2000**Reg #:** [2623365](#)**Reg. Dt:** 09/24/2002**Registrant:** Polar Gemstones Ltd.**Mark:** POLAR JADE**Assignment: 1****Reel/Frame:** [4971/0628](#)**Recorded:** 02/27/2013**Pages:** 4**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** [POLAR GEMSTONES LTD.](#)**Exec Dt:** 11/24/2011**Entity Type:** CORPORATION**Citizenship:** BRITISH COLUMBIA**Entity Type:** CORPORATION**Citizenship:** BRITISH COLUMBIA**Assignee:** [CENTRAL JADE HOLDINGS INC.](#)3282 WEST 34TH AVENUE
VANCOUVER, BC, CALIFORNIA V6N 2K4**Correspondent:** KIRSTEN SEVERSON, KLS TRADEMARK SERVICESPO BOX 19126 4TH AVENUE POST
VANCOUVER, BC, V6K 4R8 CANADAIf you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5
Web interface last modified: July 25, 2014 v.2.5

Search Results as of: 03/16/2016 03:11 PM

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With respect to a very small number of TSDR documents, the PDF download feature has been temporary suspended. We expect this feature to be fully available again in mid-late March. Documents may still be downloaded from the Trademark Documents list in TSDR by selecting (checking) the document(s) you would like to download, clicking the "Download" button, and selecting "Original" as the file type. The selected documents will be delivered to your computer in their original format in a zip file.

STATUS	DOCUMENTS	MAINTENANCE	Back to Search	Print
Generated on: This page was generated by TSDR on 2016-03-16 15:07:30 EDT				
Mark: POLAR JADE				
<h1>POLAR JADE</h1>				
US Serial Number: 86328669		Application Filing Date: Jul. 03, 2014		
US Registration Number: 4861852		Registration Date: Dec. 01, 2015		
Register: Principal				
Mark Type: Trademark				
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.				
Status Date: Dec. 01, 2015				
Publication Date: Sep. 15, 2015				
▼ Mark Information ▲ Collapse All				
Mark Literal Elements: POLAR JADE				
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.				
Mark Drawing Type: 4 - STANDARD CHARACTER MARK				
Disclaimer: "JADE"				
▼ Related Properties Information				
Claimed Ownership of US Registrations: 2623365				
▼ Goods and Services				
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> • Brackets [...] indicate deleted goods/services; • Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *..* identify additional (new) wording in the goods/services. 				
For: Rough jade (jade rock) for use in jewellery and sculptures made of jade				
International Class(es): 014 - Primary Class		U.S Class(es): 002, 027, 028, 050		
Class Status: ACTIVE				
Basis: 1(a)				
First Use: Oct. 2011		Use in Commerce: Oct. 2011		
▼ Basis Information (Case Level)				
Filed Use: Yes		Currently Use: Yes		Amended Use: No
Filed ITU: No		Currently ITU: No		Amended ITU: No
Filed 44D: No		Currently 44D: No		Amended 44D: No
Filed 44E: No		Currently 44E: No		Amended 44E: No
Filed 66A: No		Currently 66A: No		

Filed No Basis: No

Currently No Basis: No

▼ **Current Owner(s) Information****Owner Name:** Central Jade Holdings Inc.**Owner Address:** 3282 West 34th Avenue
Vancouver, BC CANADA V6N2K4**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** CANADA▼ **Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Kirsten Severson**Attorney Primary Email
Address:** kseverson@shaw.ca**Attorney Email Authorized:** No**Correspondent****Correspondent
Name/Address:** KIRSTEN SEVERSON
KLS TRADEMARK SERVICES
PO BOX 19126, 4TH AVENUE POST
VANCOUVER, BC CANADA V6K4R8**Phone:** 604-715-6398**Correspondent e-mail:** kseverson@shaw.ca**Correspondent e-mail
Authorized:** No**Domestic Representative - Not Found**▼ **Prosecution History**

Date	Description	Proceeding Number
Dec. 01, 2015	REGISTERED-PRINCIPAL REGISTER	
Sep. 15, 2015	PUBLISHED FOR OPPOSITION	
Aug. 26, 2015	NOTICE OF PUBLICATION	
Aug. 11, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Aug. 03, 2015	ASSIGNED TO LIE	70468
Jul. 22, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 30, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jun. 29, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jun. 29, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 30, 2014	NON-FINAL ACTION MAILED	
Dec. 30, 2014	NON-FINAL ACTION WRITTEN	68181
Dec. 10, 2014	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Dec. 10, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 09, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 09, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 09, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 21, 2014	NON-FINAL ACTION MAILED	
Oct. 21, 2014	NON-FINAL ACTION WRITTEN	68181
Oct. 14, 2014	ASSIGNED TO EXAMINER	68181
Jul. 09, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 07, 2014	NEW APPLICATION ENTERED IN TRAM	

▼ TM Staff and Location Information**TM Staff Information - None****File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Dec. 01, 2015**▼ Assignment Abstract Of Title Information - Click to Load****▼ Proceedings - Click to Load**

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No assignment has been recorded at the USPTO

For Serial Number: 86328669

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Web interface last modified: July 25, 2014 v.2.5

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